



JC02 Rec'd PCT PTO 21 MAR 2005

10/521313
PATENT APPLICATION.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85741

Joon Youb LEE, et al.

Appln. No.: 10/521,313

Group Art Unit: Unknown

Confirmation No.: Unknown

Examiner: Unknown

Filed: January 14, 2005

For: HER-2 NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY

REQUEST FOR REFUND

MAIL STOP 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request a refund in the amount of \$100.00. This refund is to be credited to Deposit Account No. 19-4880.

Applicants believe that revised 37 C.F.R. § 1.492 allows reduced search and examination fees for applications in which the national fee was not filed before December 8, 2004. The above-referenced application was filed on January 14, 2005, with a copy of the International Search Report. (A copy of the transmittal letter, PTO stamped Serial Number Card and ISR is attached.) Therefore, Applicants believe they are entitled to the reduced fee. A duplicate copy of this paper is also attached.


Respectfully submitted,

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WASHINGTON OFFICE

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January 14, 2005

MAIL STOP PCT

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

PCT/KR2003/001400
-filed July 15, 2003

Re: Application of Joon Youb LEE, Dong-Hyeon KIM, Yeonseok CHUNG, Sun-Young CHANG, Kyung-Chul LEE, and Chang-Yuil KANG
HER-2 NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY
Assignee: **PANGENOMICS CO., LTD.**
Our Ref: Q85741

Dear Sir:

The following documents and fees are submitted herewith in connection with the above application for the purpose of entering the National stage under 35 U.S.C. §371 and in accordance with the Patent Cooperation Treaty:

- ☒ a copy of the executed Declaration and Power of Attorney.
- ☒ a copy of the International Application including the cover page of WO 2004/007734 A1. The abstract that appears on the cover page of the pamphlet published by the International Bureau of WIPO is to be used by the USPTO. *See* MPEP § 1893.03(e).
- ☒ 18 sheets of drawings.
- ☒ 17 sheets of sequence listing.
- ☒ Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825 with a 17-page Sequence Listing and a computer readable copy of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821(c) and (e).
- ☒ a copy of the executed Assignment and PTO 1595 form.
- ☒ a PTO/SB/08 A & B (modified) listing the ISR/IPER references. Also enclosed is a copy of the International Search Report and the International Preliminary Examination Report.
- ☒ **It is expressly requested that the national stage of processing be commenced immediately in accordance with 35 U.S.C. § 371(f)**



Commissioner for Patents

January 14, 2005

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It is assumed that copies of the International Application, the International Search Report and cited references, the International Preliminary Examination Report, and any Articles 19 and 34 amendments as required by §371(c) will be supplied directly by the International Bureau, but if further copies are needed, the undersigned will undertake to provide them upon request.

The Government filing fee is calculated as follows:


Total claims	<u>16</u>	-	<u>20</u>	=	<u> </u>	x	\$50.00	=	<u> </u>	\$0.00
Independent claims	<u>1</u>	-	<u>3</u>	=	<u> </u>	x	\$200.00	=	<u> </u>	\$0.00
Base Fee										<u>\$300.00</u>
Search Fee										<u>\$500.00</u>
Examination Fee										<u>\$200.00</u>
TOTAL FILING FEE										<u>\$1000.00</u>
Recordation of Assignment										<u>\$ 40.00</u>
TOTAL FEES										<u>\$1040.00</u>

Checks for the statutory filing fee of \$1000.00 and Assignment recordation fee of \$40.00 are attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

Priority is claimed from:

<u>Country</u>	<u>Application No</u>	<u>Filing Date</u>
Republic of Korea	10-2002-0041764	July 16, 2002
Republic of Korea	10-2003-0038012	June 12, 2003

Respectfully submitted,


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23373

CUSTOMER NUMBER



F. Bartoni

Entry of National Stage of PCT/KR2003/001400
REQUEST FOR EARLY NOTIFICATION OF SERIAL NUMBER

Inventor(s): Joon Youb LEE, Dong-Hyeon KIM, Yeonseok CHUNG, Sun-Young CHANG, Kyung-Chul LEE, Chang-Yuil KANG

Title: HER-2 NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY

Atty Doc. #: Q85741 Client: First Law Offices of Korea

Filing Date: January 14, 2005 # Pgs. Spec/Abst: 33+cover page of WO 2004/007734 A1 and 17 pages of sequence listing #Claims: 16

Statement to Support Filing and Submission, 17 pgs. Seq. Listing, 1 disk

Dwg. Sheets: 18 sheets Decl yes Prelim Amdt no

PTO/SB/08 A & B/ISR/IPER: yes Asgmt/PTO-1595: yes

Fees: \$1000.00 + \$40.00

DT03 Rec'd PCT/PTO 14 JAN 2005

☒ Checks Attached ☐ Charge to Deposit # 19-4880 Atty/Sec: JTC/ech

SERIAL NO.

10/521313

CONF NO.:

A. CLASSIFICATION OF SUBJECT MATTER**IPC7 C12N 15/85**

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7 C12N 15/85

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean patents and applications for inventions since 1975Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
NCBI pubmed database, NCBI blastn database, Delphion Research Intellectual Property network database**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	Urbanelli L. et al 'Targeted gene transduction of mammalian cells expressing the HER2/neu receptor by filamentous phage' In Journal of Molecular Biology, 2001, vol.313, No.5, p965-76 (NCBI accession No:NM_004448) see the whole document	1,2,3-12,13-15,16
A	Coussens L. et al 'Tyrosine kinase receptor with extensive homology to EGF receptor shares chromosomal location with neu oncogene' In Science. 1985, vol.230, No.4730, p1132-9 (NCBI accession No:M11730) see the whole document	1,2,3-12,13-15,16
A	Yamamoto T. et al 'Similarity of protein encoded by the human c-erb-B-2 gene to epidermal growth factor receptor' In Nature. 1986, vol.319, No.6050, p230-4. (NCBI accession No:X03363) see the whole document	1,2,3-12,13-15,16



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

28 NOVEMBER 2003 (28.11.2003)

Date of mailing of the international search report

28 NOVEMBER 2003 (28.11.2003)

Name and mailing address of the ISA/KR

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Facsimile No. 82-42-472-7140

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